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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7227

13 **CHRISTOPHER MAYFORD DAVIDSON**
14 **1500 Poplar Ave., Apt. 1B**
Wasco, CA 93280

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **146276**

[Gov. Code, §11520]

17 Respondent.
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20 **FINDINGS OF FACT**

21 1. On or about May 5, 2022, Complainant Anne Sodergren, in her official capacity as
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
23 Accusation No. 7227 against Christopher Mayford Davidson (Respondent) before the Board of
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about February 11, 2015, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 146276 to Respondent. The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 7227
28 and will expire on December 31, 2022, unless renewed.

1 3. On or about May 13, 2022, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7227, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 1500 Poplar Ave., Apt. 1B
8 Wasco, CA 93280.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505(c) and/or Business and Professions Code section 124.

11 5. Government Code section 11506(c) states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense . . . and the notice shall be deemed a specific denial of all
14 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
15 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
16 discretion may nevertheless grant a hearing.

17 6. The Board takes official notice of its records and the fact that Respondent failed to
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
19 waived his right to a hearing on the merits of Accusation No. 7227.

20 7. California Government Code section 11520(a) states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense . . . or to appear at
22 the hearing, the agency may take action based upon the respondent's express
23 admissions or upon other evidence and affidavits may be used as evidence without
24 any notice to respondent

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
28 finds that the charges and allegations in Accusation No. 7227, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$4,962.50
as of June 29, 2022.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Christopher Mayford Davidson has subjected his Pharmacy Technician Registration No. TCH 146276 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code section 4301, subdivision(f), for acts of dishonesty, fraud or deceit.

b. Health and Safety Code section 11170, in conjunction with Business and Professions Code section 4301, subdivision (j), for furnishing controlled substances for self.

c. Health and Safety Code section 11173, subdivision (a), in conjunction with Business and Professions Code section 4301, subdivision (j), for obtaining controlled substances by fraud or deceit.

d. Business and Professions Code section 4060, in conjunction with Business and Professions Code section 4301, subdivision (j), for illegal possession of controlled substances.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 146276, issued to Respondent Christopher Mayford Davidson, is revoked.

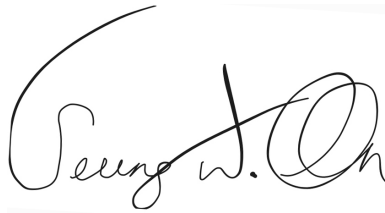
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 24, 2022 at 5:00 p.m.

It is so ORDERED on July 25, 2022.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

65235837.DOCX
DOJ Matter ID:LA2021604920

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(CHRISTOPHER MAYFORD DAVIDSON)

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7227

13 **CHRISTOPHER MAYFORD DAVIDSON**
14 **1500 Poplar Ave., Apt. 1B**
Wasco, CA 93280

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **146276**

Respondent.

17
18
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about February 11, 2015, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 146276 to Christopher Mayford Davidson (Respondent). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on December 31, 2022, unless renewed.

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3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

• • •

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by action of law or by order or decision of the board or a court of law, the placement of a license in retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY PROVISIONS

6. Section 4022 of the Code states

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

1 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing
without prescription, Rx only, or words of similar import.

2 (b) Any device that bears the statement: Caution: federal law restricts this
3 device to sale by or on the order of a _____, Rx only, or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
4 or order use of the device.

5 (c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

6 7. Section 4060 of the Code states:

7 No person shall possess any controlled substance, except that furnished to a
8 person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
9 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
10 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
11 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
shall not apply to the possession of any controlled substance by a manufacturer,
12 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
13 physician assistant, when in stock in containers correctly labeled with the name and
address of the supplier or producer.

14 Nothing in this section authorizes a certified nurse-midwife, a nurse
15 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
stock of dangerous drugs and devices.

16 8. Section 4301 of the Code states:

17 The board shall take action against any holder of a license who is guilty of
18 unprofessional conduct or whose license has been issued by mistake. Unprofessional
conduct shall include, but is not limited to, any of the following:

19 . . .

20 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
21 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

22 . . .

23 (j) The violation of any of the statutes of this state, of any other state, or of the
24 United States regulating controlled substances and dangerous drugs.

25 9. Health and Safety code section 11170 states:

26 No person shall prescribe, administer, or furnish a controlled substance for
27 himself.

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10. Health and Safety code section 11073 states in pertinent part:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

COST RECOVERY

11. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

12. "Hydrocodone with acetaminophen" is a generic name for "Norco" and is used for pain relief. Hydrocodone with acetaminophen is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(I), and a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

13. On or about July 14, 2021, the Board received notification from Walgreens Pharmacy #9030 (Walgreens), in Ridgecrest, California, that a loss of hydrocodone/acetaminophen 10-325mg tablets had occurred due to employee pilferage.

14. Walgreens' video surveillance captured Respondent entering the pharmacy, taking a bottle of hydrocodone/acetaminophen 10-325mg tablets from a shelf, opening it, pouring tablets into his hand, and then walking away on four occasions: May 30, 2021, June 6, 2021, June 13, 2021, and June 20, 2021. The last of these incidents, on June 20, 2021, was witnessed by the Walgreens' pharmacist-in-charge who observed Respondent take a bottle of hydrocodone/acetaminophen 10-325mg tablets from a pharmacy shelf, take pills out, and put them in his pocket. The pharmacist-in-charge confronted Respondent who eventually emptied his pockets, removed the tablets, and placed them back into the bottle of hydrocodone/acetaminophen and left the pharmacy.

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1 15. On or about June 24, 2021, when interviewed by Walgreens' asset protection
2 manager, Respondent admitted that the incident on June 20, 2021 was not the first time he had
3 taken medication from the pharmacy and that he had stolen approximately 200 tablets of
4 hydrocodone/acetaminophen 10-325mg from Walgreens over the course of the previous six
5 months for self-use.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud, or Deceit)**

8 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
9 on the grounds of unprofessional conduct, in that Respondent committed acts of dishonesty,
10 fraud, or deceit when he stole approximately 200 tablets of hydrocodone/acetaminophen 10-
11 325mg from Walgreens for self-use. Complainant herby incorporates paragraphs 13 through 15,
12 above, as though set forth fully herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Furnishing Controlled Substances for Self)**

15 17. Respondent is subject to disciplinary action under Health and Safety Code section
16 11170, in conjunction with Code section 4301, subdivision (j), on the grounds of unprofessional
17 conduct, in that Respondent stole approximately 200 tablets of hydrocodone/acetaminophen 10-
18 325mg from Walgreens for self-use. Complainant herby incorporates paragraphs 13 through 15,
19 above, as though set forth fully herein.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Obtaining Controlled Substances by Fraud or Deceit)**

22 18. Respondent is subject to disciplinary action under Health and Safety Code section
23 11173, subdivision (a), in conjunction with Code section 4301, subdivision (j), on the grounds of
24 unprofessional conduct, in that he obtained controlled substances by fraud or deceit when stole
25 approximately 200 tablets of hydrocodone/acetaminophen 10-325mg from Walgreens for self-
26 use. Complainant herby incorporates paragraphs 13 through 15, above, as though set forth fully
27 herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Illegal Possession of Controlled Substances)**

3 19. Respondent is subject to disciplinary action under Code section 4060, in conjunction
4 with Code section 4301, subdivision (j), on the grounds of unprofessional conduct, in that
5 Respondent illegally possessed controlled substances by stealing approximately 200 tablets of
6 hydrocodone/acetaminophen 10-325mg from Walgreens for self-use. Complainant hereby
7 incorporates paragraphs 13 through 15, above, as though set forth fully herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 146276,
12 issued to Christopher Mayford Davidson;
- 13 2. Ordering Christopher Mayford Davidson to pay the Board of Pharmacy the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17
18

19 DATED: 5/5/2022

Signature on File

20 ANNE SODERGREN
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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